

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**ERIC VON DRAKE,**

Petitioner.

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Civil Action No. **3:08-MC-090-L**

**ORDER**

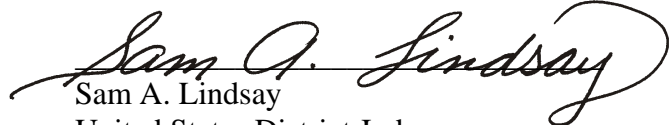
Before the court are Petitioner Eric Von Drake's Verified Petition to Perpetuate Testimony, filed June 9, 2008 in the Eastern District of Texas, Marshall Division; Petitioner Eric Von Drake's Request for Hearing Regarding Petition to Perpetuate Testimony, filed June 9, 2008; and Petitioner[']s Withdrawal of Requests to Take Depositions, filed August 15, 2008. On July 25, 2008, the petition was transferred to the Northern District of Texas, Dallas Division and was referred to Magistrate Judge Paul D. Stickney on July 31, 2008. The magistrate judge entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on September 12, 2008. Petitioner has filed no objections to the Report.

This is a petition, filed pursuant to Fed. R. Civ. P. 27, by which Petitioner seeks to take oral depositions of certain individuals regarding an automobile accident that occurred on May 5, 2004. The magistrate judge recommends that the court treat Petitioner[']s Withdrawal of Requests to Take Depositions as a Motion for Voluntary Dismissal pursuant to Fed. R. Civ. P. 41(a) and allow Petitioner to voluntarily dismiss his petition.

Having reviewed the petition, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. Accordingly, the court **grants** Petitioner's Motion for

Voluntary Dismissal, **dismisses** this petition at Petitioner's request, and administratively closes this case.

**It is so ordered** this 27th day of July, 2009.

  
Sam A. Lindsay  
United States District Judge